

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MADISON GOINS and
MACKENZIE RAE GOINS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JESSICA GOINS, f/k/a JESSICA SHORT,

Respondent-Appellant.

UNPUBLISHED

December 19, 2006

No. 272099

Monroe Circuit Court

Family Division

LC No. 01-016159-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm.

The trial court did not clearly err by finding that statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary condition of adjudication was respondent's drug abuse, which she admitted interfered with her ability to care for the children. Respondent continued to abuse substances during these proceedings, as evidenced by a positive screen in January 2006 and her arrest for possession of drug paraphernalia in February 2006. Therefore, the trial court did not clearly err by finding clear and convincing evidence that the condition of adjudication continued to exist. MCL 712A.19b(3)(c)(i).

The trial court was also justified in finding that there was no reasonable likelihood that this problem would be rectified within a reasonable time considering the ages of the children. MCL 712A.19b(3)(c)(i). Respondent was referred to substance abuse treatment several months before these proceedings began, but did not follow through. She was referred again during these proceedings, but did not complete any substance abuse treatment. At the time of the termination order, respondent was incarcerated and scheduled to be released in approximately one month. Respondent has not demonstrated any sustained period of sobriety in this matter. In the minimal therapy that she received, she displayed minimization and denial of her substance abuse problem. Under these circumstances, there is no reason to think that respondent will dramatically change her behavior and successfully address her addiction on her release from incarceration. In the uncertain event that she were to do so, the testimony indicated that inpatient treatment would be

called for, and six months of sobriety in the community would be required before respondent could be considered recovered.¹ We therefore conclude that the trial court did not clearly err by finding no reasonable likelihood that the conditions of adjudication would be rectified within a reasonable time considering the ages of the children.

The evidence supporting the termination of respondent's parental rights under MCL 712A.19b(3)(c)(i) equally supports the termination of her parental rights under statutory subsections (g) and (j). Concerning respondent's ability to provide proper care for the children within a reasonable time, the record reflects that she has not maintained consistent housing or employment throughout these proceedings. Respondent's failure to comply with these, or indeed any, requirement of the parent-agency agreement beyond obtaining a substance abuse assessment provides further evidence of her inability to provide proper care and custody for the children. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

Respondent's contention that reasonable efforts toward reunification of the family were not offered ultimately relates to the sufficiency of the evidence for termination of respondent's parental rights. See *In re Newman*, 189 Mich App 61, 66-69; 472 NW2d 38 (1991). In general, when a child is removed from the custody of the parents, the petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan. MCL 712A.18f(1), (2), (4). The record in this case does reflect reasonable efforts on the part of the petitioner. Respondent was offered substance abuse treatment, group and individual counseling, and parenting classes. She completed no substance abuse treatment, only one session of parenting class, and three to five counseling sessions. Since respondent did not maintain employment, her argument that her employment prevented her from taking advantage of services is not persuasive.

Finally, the trial court did not clearly err by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the children. MCL 712A.19b(5). Although the record indicates that there is a bond between respondent and the children, it also indicates that she has been unable to provide them with a stable environment because of her drug addiction. Even during the pendency of this matter respondent has been incarcerated twice, impeding her ability to care for the children or even to visit them. Before these proceedings, the children had already been in foster care once. Apparently subsequent to that episode, respondent fled the state and took the children to Florida because she was backsliding and did not want them removed from her care. The children also stayed with their great-grandparents for a time. The therapist for the children testified that stability is extremely important for them, as they have had much instability, insecurity, fear, and uprooting. Where respondent has demonstrated no progress whatsoever in addressing her drug addiction, it is certainly reasonable to conclude that her past pattern of instability is a valid indicator of likely future conduct. On this record, there is no indication that the trial court clearly erred by finding that termination of respondent's parental rights was not clearly contrary to the best interests of the children.

¹ Michael Snyder-Barker, who was qualified as an expert in the field of substance abuse treatment, offered this testimony but qualified it further by noting that recovery is a lifelong process.

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O'Connell
/s/ Alton T. Davis